IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3690 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE M.R.SHAH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HANSGIRI RAMGIRI GOSWAMI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3690 of 1994

MR MB GANDHI for Petitioner No. 1-2

Mr. LR Poojari, AGP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE M.R.SHAH

Date of decision: 07/04/2004

ORAL JUDGEMENT

What is challenged in the present Special Civil Application under Article 226/227 of the Constitution of India is the order passed by the State Government dated 7.2.1994 in suo motu exercise of power under Section 34 of the Urban Land Ceiling Act, by which the State

Government had declared 260.05 sq.metres of land as excess land.

2. This Court admitted the Special Civil Application on 24.10.1994 and granted the interim relief as prayed for till final disposal of the present Special Civil Application, i.e.,restraining the respondents from taking further proceedings on the basis of the aforesaid order. Thus, possession of the petitioner is protected. It seems that no further proceedings have been taken pursuant to the order passed by the State Government and the possession of the land in question is still with the petitioner, which is not disputed by Shri Poojari, learned A.G.P. appearing for the State Government.

3. In view of the provisions of Section 4 of the Urban Land (Ceiling & Regulation) Repeal Act, 199 , all the proceedings are required to be abated. Under the circumstances, in view of the fact that the possession of the land has not been taken over by the State Government, which is not disputed by Shri Poojari, learned AGP appearing for the State Government, the present Special Civil Application and the impugned orders are abated, and the present Special Civil Application is disposed of accordingly. Rule is discharged. Interim relief stands vacated.

rmr. [M.R. Shah, J.]